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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,922	08/31/2001	Vassilios Papadopoulos	1941.017US1	9599

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EXAMINER

DANG, IAN D

ART UNIT	PAPER NUMBER
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1647

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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APPLICATION NO./ CONTROL NO. 09/623,922	FILING DATE 08/31/2001	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Vassilios, Papadopoulos	ATTORNEY DOCKET NO. 1941.017US1
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20070118

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Commissioner for Patents

Applicant's election with traverse of Group I, claims 1-8 and 20 in the communication filed on 07/31/2006 has been acknowledged. In the Office action mailed on 9/21/2006, the Examiner requested a further restriction requirement to a species election. However, Applicants traversed the election of species requirement by arguing that all the species fall within the scope of SEQ ID NO:26 and the species for the cholesterol recognition/interaction amino acid sequences all have structural relationship. Although species for the cholesterol recognition/interaction amino acid sequences are structurally similar, they are different from one another because each of them has a different sequence from one another. Thus each species is patentably distinct.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.
The species of disease are as follows:

-SEQ ID NO: X, number 1-23 corresponding to SEQ ID NO:1 to SEQ ID NO:23 (disclosed on page 10 and in Table 1 on page 12)

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner: 1.

The following claim(s) are generic: claims 1-8, and 20.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the species encoded by SEQ ID NO:1 in claim 1 have different amino sequences from one another.

BRIDGET BUNNER
PATENT EXAMINER

Ian Dang
Patent Examiner
Art Unit 1647
January 19, 2007